

United States District Court  
Southern District of Texas  
Brownsville Division

United States of America,  
Plaintiff,

v.

MARWAN HACEHM (1),  
Defendant.

No. SA-14-CR-394-01-FB

**Government's Second Motion for Extension of Time to Respond to Defendant's  
Emergency Motion for Release to Home Confinement Under 18 U.S.C. § 3582(c)(1)(A)**

The United States of America respectfully requests a second brief extension of time to respond to Defendant's Request for Compassionate Release in this case. The government is opposed to Defendant's motion, but needs additional time to complete its response.

**Relevant History**

On June 4, 2015, Defendant was convicted for Count One: possession with intent to distribute 50 gram or more of actual methamphetamine, 21 U.S.C. §§841(a)(1) and 841(b)(1)(A); and Count Three: possession of an Unregistered Short barreled Shotgun, 26 U.S.C. Section 5861(d). The Court sentenced him to 120 months imprisonment for Count One and 120 months for Count Three, terms to run concurrently.

Defendant Hachem has served 76 months of that sentence. He now moves under 18 U.S.C. § 3582(c) for a sentence reduction resulting in his immediate release from the custody of the Bureau of Prisons (BOP) based on his health and relying on the threat posed by the COVID-19 pandemic. Alternatively, the defendant also requests home confinement, however, the defendant is a Lebanon national and in the United States without papers. Therefore, after completion of his sentence, he shall be released to Immigration and Customs Enforcement (I.C.E.) and deported.

### **Request for Extension of Time**

The government has been working diligently on its response to Defendant's motion, but needs additional time to complete its response. Due to the current COVID-19 pandemic, the government has received an overwhelming number of motions similar to Defendant's, and its position has been evolving due to the rapidly changing circumstances at federal correctional facilities nationwide. The government recently received the defendant's medical records from CI Reeves III, in Pecos, Texas. These records are highly relevant to whether he is eligible for § 3582(c)(1)(A) relief and whether the Court has jurisdiction over his motion. Further, the government had previously requested information about the inmate COVID-19 status at the Reeves III facility, and today, the undersigned AUSA was notified that only one inmate has been diagnosed with COVID-19 at the Reeves III facility. This information is included because previously the defendant's attorney, Mr. Alex Scharff, objected to the government's first continuance based on his client's imminent safety. In order to allow sufficient time for the undersigned counsel to review the recently acquired records and draft her response, she requests an extension of 1 week. This extension is not sought for the purposes of delay. Rather, the government wishes to provide this Court with a thorough, well-researched response that will assist the Court in making its decision in this case.

### **Conclusion**

For these reasons, the government requests that its request for a second brief extension be granted and that the government be permitted to file such response on or before Thursday, October 1, 2020.

Respectfully submitted,

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United States Attorney

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**Certificate of Service**

I certify that on September 24, 2020, I electronically filed this document with the Clerk of Court using the CM/ECF system.

☒ The CM/ECF system will send notification to the following CM/ECF participant(s):

Alex Scharff

☐ I also certify that I have mailed this document by United States Postal Service to the following non-CM/ECF participant(s):

/s/ Priscilla Garcia

PRISCILLA GARCIA

Assistant United States Attorney

United States District Court  
Western District of Texas  
San Antonio Division

United States of America,  
Plaintiff,

v.

Marwan Hacehm (1),  
Defendant.

No. SA-14-CR-394-01-FB

ORDER

Came on this date to be considered the Government's Motion for a second extension of time to respond to Defendant's Request for a Sentence Reduction and Compassionate Release, finds that the Motion filed by the Government is well-founded and should be granted. Accordingly,

IT IS HEREBY ORDERED that Government's Motion for a second extension of time to respond to Defendant's Request for Compassionate Release is granted.

Further, the Government's response is now due on Thursday, October 1, 2020.

SIGNED AND ENTERED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
FRED BIERY  
United States District Judge